

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No.78 OF 2006

Between:

Smt. M. Parvathamma, W/o. Ramachandra,
Hindu, aged about 36 years,
Fair Price Shop Permanent Dealer,
Chagaleru – Village, Chilamathur Mandal,
Anantapur District

.. Appellant

AND

The District Collector & District Magistrate,
Anantapur, Anantapur District & 4 others

.. Respondents

::JUDGMENT::

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Counsel for the Appellant : Sri Vedula Venkataramana

Counsel for Respondents 1 to 4 : G.P. for Civil Supplies

Counsel for Respondent No.5 : Sri S.V. Ramana

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1st February, 2006

Per G.S. Singhvi, CJ

In this appeal, the appellant has questioned the correctness of order dated 22-12-2005 passed by the learned Single Judge in W.P. No.27274 of 2005 whereby he refused to interfere with order dated 14-12-2005 passed by Collector (CS), Anantapur.

The appellant was appointed as fair price shop dealer for Chagaleru Village, Chilamathur Mandal, Anantapur.

On receipt of report dated 24-3-2005 submitted by Mandal Revenue Officer, Chilamathur that the appellant was committing irregularities, Revenue Divisional Officer, Penukonda suspended her authorization and issued notice dated 12-4-2005 to show cause against the proposed cancellation of authorization. In all, five charges were levelled against the appellant. She filed reply dated 20-8-2005. After considering the same, the Revenue Divisional Officer passed order dated 25-11-2005 under Clause 3 (4) of A.P. State Public Distribution System (Control) Order, 2001 (for short 'the Control Order'). On appeal, Joint Collector, Anantapur vide his order dated 7-12-2005 stayed the order of the Revenue Divisional Officer and remanded the case for fresh

decision of the notice. Respondent No.5 and four others who are cardholders receiving the benefit of essential commodities supplied through the shop of the appellant challenged the appellate order by filing revision under Clause 21 of the Control Order. They also applied for stay of order dated 7-12-2005. Collector, Anantapur vide his order dated 14-12-2005 not only stayed the order of the Joint Collector, but also directed that order passed by the Revenue Divisional Officer, Penukonda be implemented.

The appellant questioned the legality of the order of Collector in Writ Petition No.27274 of 2005, but could not persuade the learned Single Judge to interfere with the same. The learned Single Judge held that the Collector had the power to pass interim order and no illegality was committed by him by staying the order of the Joint Collector.

We have heard learned counsel for the parties who agree that the Court may, without adjudicating on the correctness of the view taken by the learned Single Judge, dispose of this appeal by setting aside orders dated 07-12-2005 and 14-12-2005 passed by Joint Collector, Anantapur and Collector, Anantapur respectively, and direct Joint Collector, Anantapur to decide afresh the appeal filed by the appellant against the order of Revenue Divisional Officer, Penukonda.

Learned Government Pleader for Civil Supplies says that he will have no objection if the two orders are set aside and the appellate authority is directed to pass fresh order on the appeal filed by the appellant.

In view of the above, the appeal is disposed of with the following directions:

1. Orders dated 07-12-2005 and 14-12-2005 passed by Joint Collector, Anantapur and Collector, Anantapur respectively are quashed.
2. Within a period of two weeks from today, Joint Collector, Anantapur

shall pass fresh order on the appeal filed by the appellant against order dated

25-11-2005 passed by Revenue Divisional Officer, Penukonda.

The appellant and cardholders may, either personally or through their authorized representative, appear before Joint Collector, Anantapur on February 06, 2006 and inform him that in terms of the Court directions, he is required to pass fresh order on the appeal filed by the appellant within a maximum period of two weeks.

3. The Joint Collector shall consider the pleas raised by the appellant and the cardholders and pass a reasoned order.

While disposing of the appeal in the manner indicated above, we make it clear that the Joint Collector shall not be influenced by the fact that the writ petition filed by the appellant has been dismissed by this Court.

G.S. SINGHVI, C.J.

Date:01-02-2006

G. BHAVANI PRASAD, J

PV/svs

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NOTE:

The Court Officer is directed to give attested copy of this Order to the learned counsel for the parties by tomorrow.